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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/301,749 | 04/29/1999 | KEN R POWELL | 104.012 | 6014 |

7590 03/29/2002

ATTEN: JEROME D JACKSON
211 NORTH UNION STREET
SUITE 100
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, CUONG H

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2165

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/301,749

Applicant(s)

Powell et al.

Examiner

Cuong H. Nguyen

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 8, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24, 26, 28-40, and 42-46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-24, 26, 28-40, and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication received on 1/08/2002 (the Appeal Brief).
2. Claims 19-24, 26, 28-40, 42-46 are pending in this application.

Response to the Appeal Brief submitted on 1/08/2002:

3. After consultations with senior examiners in US Classification 705 art (specifically: method of doing retail business), the examiner agrees to withdraw previous Final Office Action to provide more evidences for un-patentable reasons according to pending claimed languages. It is considered that sufficient evidences are provided hereby from the references of Ken Power (main inventor of this pending application).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 19 and 29 are the most complex/sophisticated independent claims; they cover all limitations of

independent claims (35, and 43) although claims' language are different: Claims 35 and 43 merely claim methods of use the above claimed systems). Therefore, the rationale for rejection of claims 19 and 29 are also applied for all other independent claims.

5. Claims 19, and 29 are rejected under 35 U.S.C. § 102(e) as being anticipate at least by **Ken Powell** (US Pat. 5,884,278).

A. In regard to claim 19, a system for operating with portable cards each having a card memory, and a store having products.

Powell discloses the same system with the same devices as claimed (see at least '278 Figs. 3A-3B, 6A-6B), and 14. The claimed words: "an electromagnetic detector" was a scanner/bar code reader in '278, (see at least '278 Fig.25, and 16:3-4); A card interface was claimed at least in '278 claim 1; "Correlating signals" were inherently comprised at least in the system of '278 for matching a predetermined value to a specific product/item. The whole claimed system is similar (at least) as the system claimed in '278 Fig.14 since of the similar system in '278 already have full capabilities to perform all of these pending limitations (see at least, **Ken Powell** (US Pat. 5,884,278)).

B. In regard to claim 29, a system for operating with portable cards each having a card memory, and a store

having products. Therefore, this claimed system is the same as the system in claim 19 with an extra task of "determining a total due" in the 1st processing unit, this extra task (at least) was disclosed in '278 Fig.19 (refs.19065 and 19060) and similar rationales for rejection of claim 19 are applied, and since of the similar system in '278 already have full capabilities to perform all of these pending limitations (see at least, **Ken Powell** (US Pat. 5,884,278)).

Therefore, all of the limitations of claims 19, 29, 35, and 43 are met at least by **Ken Powell**.

Claim Rejections - 35 USC § 103

6. Claims 20-24, 26, 28, 30-34, 36-40, 42, 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ken Powell** (US Pat. 5,884,278).

Ken Powell obviously suggest all limitations for the above claims (see US Pat. 5,884,278; and see at least below cited extra US Pats. by **Ken Powell** about his intellectual property ownership of these very similar subject matters/limitations).

The examiner submits that these claims' limitations were widely used in computer related art specifically in cash registers/check-out stations in retailed stores, since the examiner's background were in electronic communication fields.

One skilled in the art can easily ascertain the essential characteristics of cited references and,

without departing from the spirit and scope thereof, can make modifications of these references to adapt its devices/steps to this pending application's dependent claims.

Conclusion

7. All pending claims are rejected.
8. These references are considered pertinent to applicants' disclosure; analogous/similar rationales and related references for rejections can also be read on 09/301,749, 09/317,440 or 09/320,664.
 - **Ken Powell**, US 5,884,278 - Retail store and method employing multiple network interfaces at each cash register, and receiving signals from portable cards at each cash register; at least networking in communicating signals, redemption discount coupons, UPC symbols, using electromagnetic detector to generate signals by detecting light reflected from paper substrates, specific signals are communicating via signal paths that excluding some network interfaces, receiving signals from portable cards at each cash register, and correlating related data signals; this patent's subject matter is similar to the pending application.
 - **Ken Powell**, US 5,956,694 - System and method for distributing and processing discount coupons; at

least this patent suggests about a respective key (hand-actuated switch) for generating a customer characterization signal; this patent's subject matter is similar to the pending application.

- **Ken Powell**, US 6,112,988 - Retail store configured for bi-directional communication between a plurality of product shelf areas and a plurality of portable cards; wherein redeeming electronic coupons for products of interest, and UPC data are discussed; this patent's subject matter is similar to the pending application.
- **Halperin et al.**, US 6,105,004 - Product monitoring system particularly useful in merchandising and inventory control; wherein **Halperin et al.** suggested about: storing the identification of products, displaying specific information, reading in/out those identifications, recording same in record memory for a respective portable unit, employing portable units each having a record memory .etc.
- **Ken Powell**, US Pats. 5,727,153 and 6,105,002 - Retail store having a system of receiving electronic coupon information from a portable card and sending the received coupon information to other portable card; at least distributing and redeeming electronic coupons at cash registers, reading UPC data were suggested; this patent's

subject matter is similar to the pending application.

- Ken Powell, US 5,890,135 - System and method for displaying product information in a retail system; wherein **Powell** discussed about: displaying and redeeming electronic discount coupons in a store's cash register, reading/checking UPC data .etc.
- **Murrah et al.**, US 5,804,807 A and 5,984,182 - Scan-ahead system for processing merchandise at a checkout register; wherein **Murrah et al.** suggested about: a checkout system with a portable scanner to read UPC codes .etc.
- **Ken Powell**, US 5,727,153 A - Retail store having a system of receiving electronic coupon information from a portable card and sending the received coupon information to other portable cards; wherein **Halperin et al.** suggested about: storing the identification of products, displaying specific information, reading in/out those identifications, recording same in record memory for a respective portable unit, employing portable units each having a record memory .etc.
- **Takahashi et al.**, US 4,419,738 A - Unit-price presetting method for electronic cash register; wherein a method for unit-price presetting was discussed, electronic cash registers with portable memory were utilized.

- **Ken Powell**, US 6,339,762 - Retail store efficiently configured to distribute electronic coupons at multiple product locations; wherein redeeming electronic coupons for products of interest, and UPC bar code reader data are discussed; this patent's subject matter is similar to the pending application.
- **Ken Powell**, US 6,243,687 B1 - Kiosk systems and methods for issuing a card storing electronic coupons, after receiving data about a customer; wherein redeeming electronic coupons for products of interest, and UPC data are discussed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Cuong H. Nguyen, whose telephone number is (703)305-4553. The examiner can normally be reached on Monday-Friday from 7:15 AM-3:15 PM.

Any response to this action should be mailed to:

Amendments

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to: (703) 746-7238 (after Final)

(703) 746-7239 (Official)

Or: (703) 746-5572 (RightFax) (for informal or draft communications, please label "PROPOSED" or "DRAFT")

09/301,749
Art Unit 2165

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA. 22202,
4th. Floor (Receptionist).

Any inquiry of a general nature or relating to the
status of this application should be directed to the
Group receptionist whose telephone number is (703)305-
3900.

Cuong Nguyen
Primary Examiner
Mar. 23, 2002